



PUBLIC NOTICE

**US Army Corps
of Engineers** *
New England District

8 Carmichael Street, Suite 205
Essex Junction, Vermont 05452

Comment Period Begins: September 6, 2011

Comment Period Ends: October 5, 2011

File Number: NAE-2009-0587

In Reply Refer To: Michael S. Adams

Phone: (802) 872-2893

E-mail: Michael.s.adams@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below.

APPLICANT: City of Burlington, ATTN: Larry Kupferman, Community and Economic Development Office, City Hall, 149 Church Street, Burlington, Vermont 05401

ACTIVITY

Place permanent and temporary fill in about 16,095 sq. ft. (0.37 acre) of waters of the U.S. in conjunction with the redevelopment of the former J. Edward Moran Generating Plant into a mixed use development on Burlington's waterfront off Lake Street in Burlington, Vermont. The work will involve the following:

- a. Relocation of the existing Lake Champlain Community Sailing Center (LCCSC) from the Moran Plant to a new building along the northern side of the property. This work will permanently impact about 11,215 sq. ft. (0.26 acre) of wetland adjacent to Lake Champlain and temporarily impact about 2,950 sq. ft. (0.07 acre) of wetland adjacent to Lake Champlain.
- b. Installation of three new stormwater outfalls in the lake. This work will involve the permanent placement of fill in about 50 sq. ft. (0.001 acre) of lake bottom and temporarily impact about 270 sq. ft. (0.006 acre) of lake bottom.
- c. Placement and maintenance of a sheet-pile bulkhead along 170 linear feet of shoreline. The new wall will be constructed a maximum of 12.5' beyond ordinary high water (OHW) for about 70 linear feet. About 28 cy of new fill below OHW will be placed to stabilize the shoreline (0.16 cy/linear ft. below OHW). About 810 sq. ft. (0.019 acre) of lake bottom will be filled and about 800 sq. ft. (0.019 acre) of lake bottom will be temporarily impacted.

The basic purpose of the project is to redevelop the Moran Plant.

To compensate for unavoidable impacts to waters of the U.S. of the proposed project the applicant proposes to make a payment of \$68,629.50 to the Ducks Unlimited – Vermont In-Lieu Fee Program.

In that the basic project purpose is to redevelop the Moran Plant there are no off-site alternatives. However, redevelopment will necessitate the relocation of the LCCSC, and open waterfront properties north and south of the site were considered. An open grass field adjacent to the boat launch south of the site was considered. There are 18 scheduled public and private events using this field this year, five of which are annual events. The development of this site would prevent or displace these events from

occurring. The 40-acre Urban Reserve area to the north of the project was considered. In 1992, the City of Burlington conveyed to the Vermont Housing and Conservation Board certain development rights and a perpetual conservation easement on this property. According to the applicant this property is unavailable for development at this time.

The work is described on the enclosed plans, in 10 sheets, entitled "MORAN CENTER AT WATERFRONT PARK", dated "AUGUST, 2011".

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Lake Champlain and an adjacent wetland in Burlington, Vermont. The proposed location on the USGS Burlington quadrangle sheet is at UTM coordinates 4926767.0 N and 641143.0 E.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s).

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- () Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Michael S. Adams at (802) 872-2893.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

In accordance with 33 CFR 325.2(a)(8), we publish monthly a list of permits issued or denied during the previous month at www.nae.usace.army.mil/reg, under the heading "Monthly General and Individual Permit Authorizations." Relevant environmental documents and the SOFs or RODs are available upon written request and, where applicable, upon the payment of administrative fees. Also visit www.nae.usace.army.mil for more information on the New England District Corps of Engineers programs.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Frank DelGiudice
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____



MORAN CENTER AT WATERFRONT PARK
Burlington, Vermont
Site Location Map

DATE: AUGUST, 2011

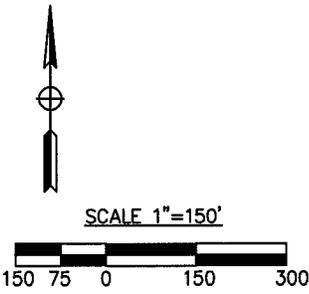
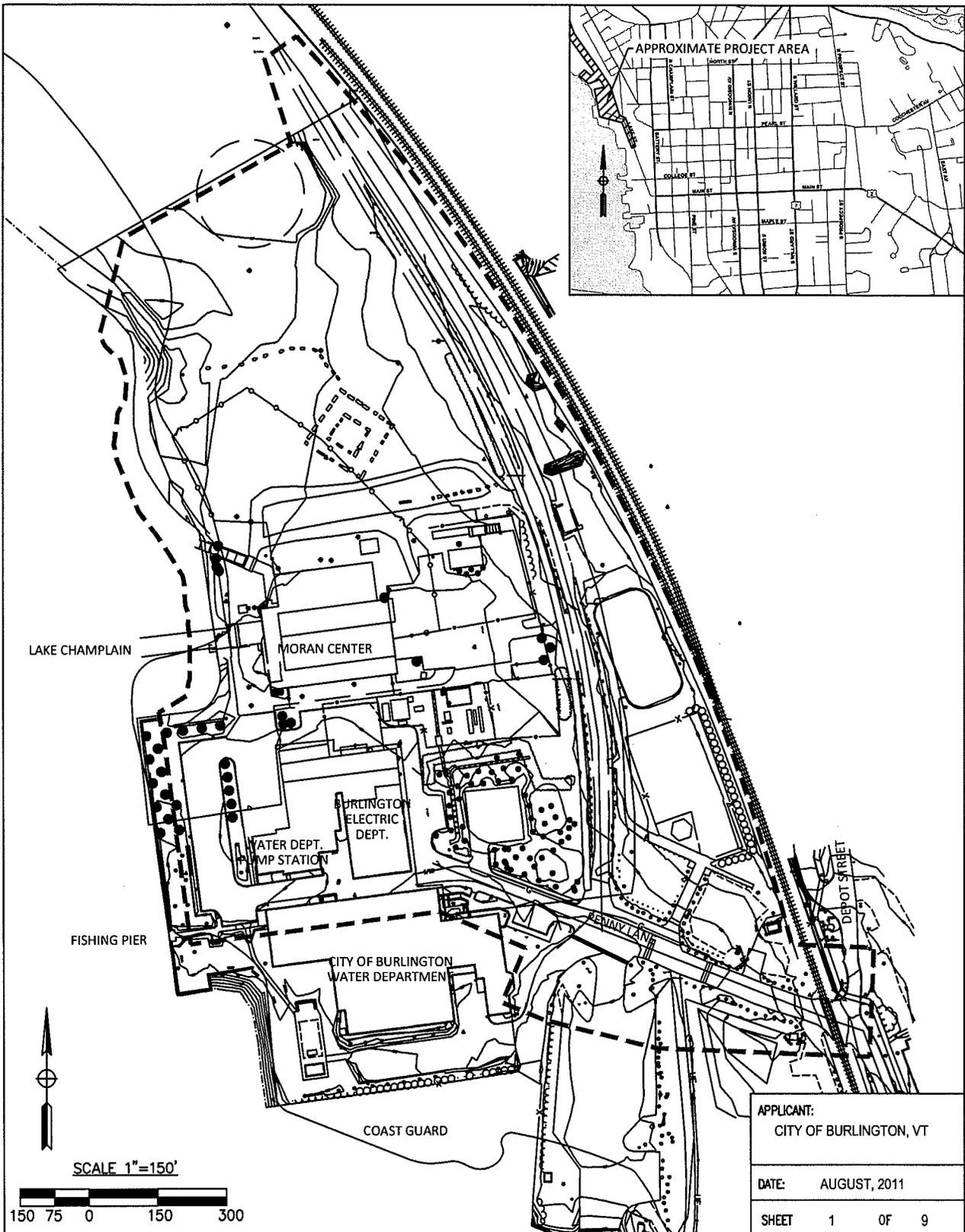


Prepared by: JAT

Sources: Background: USGS Topographic
 Quads (1983); Study area provided
 by RSG (2011).

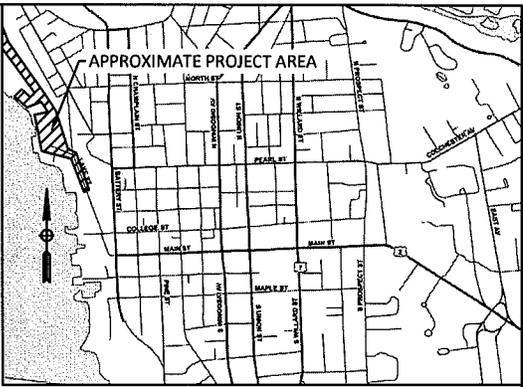
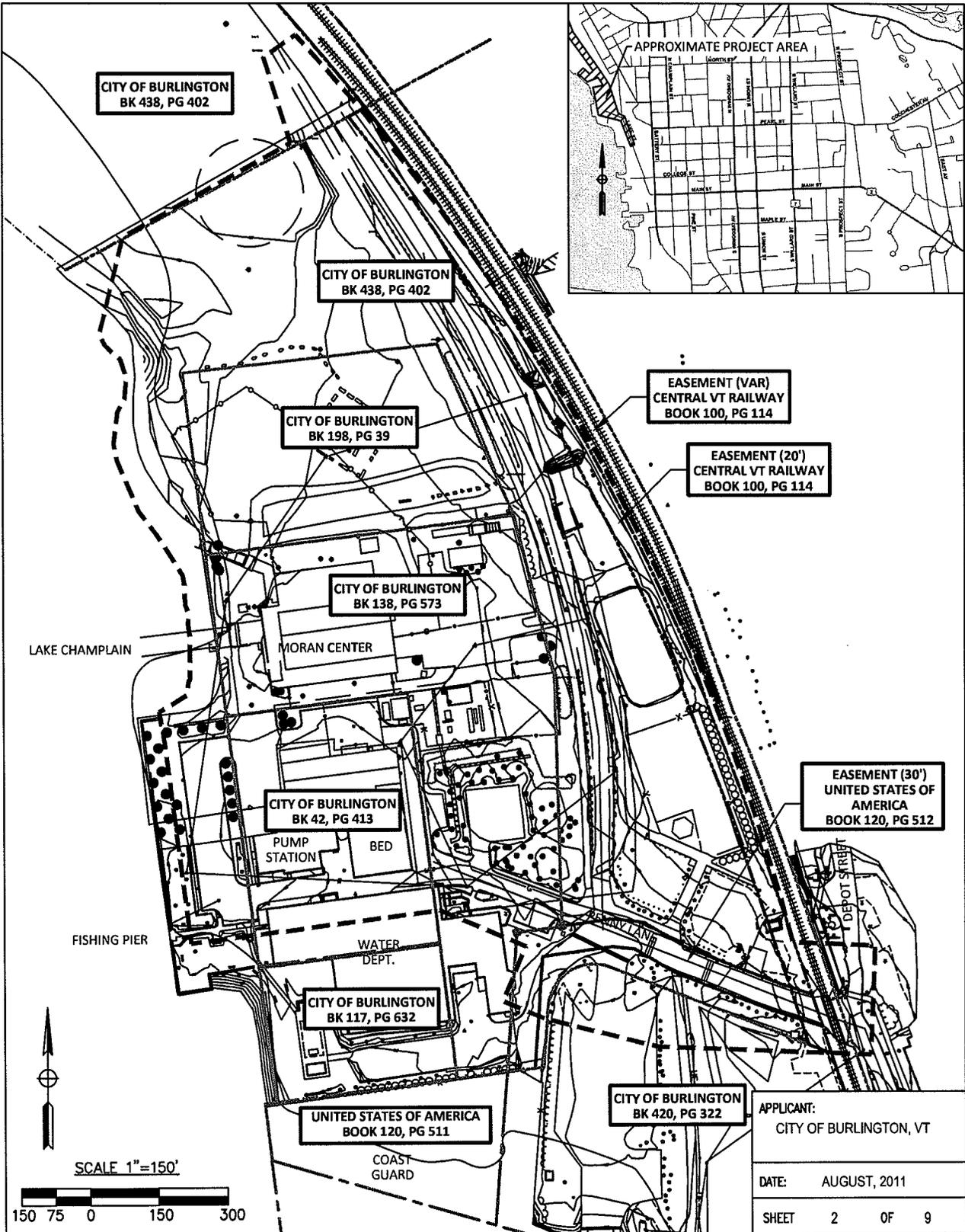
VHB Vanasse Hangen Brustlin, Inc.

F:\57372.01\GIS\Project\Sitelcation map_8.5x11.nxd



APPLICANT:	CITY OF BURLINGTON, VT
DATE:	AUGUST, 2011
SHEET	1 OF 9

 Vanasse Hangen Brustlin, Inc.		<h2>MORAN CENTER AT WATERFRONT PARK EXISTING CONDITIONS</h2>	
 R S G INC. RESOURCE SYSTEMS GROUP, INC.		LOCATION: MORAN PLANT / WATERFRONT NORTH CHITTENDEN COUNTY, VERMONT	PURPOSE: DEVELOPMENT OF MORAN CENTER AT WATERFRONT PARK, BURLINGTON, VT



APPLICANT:	CITY OF BURLINGTON, VT
DATE:	AUGUST, 2011
SHEET	2 OF 9

VHIB
Vanasse Hangen Brustlin, Inc.

R S G INC.
 RESOURCE SYSTEMS GROUP, INC.



MORAN CENTER AT WATERFRONT PARK ADJACENT PROPERTY OWNERS

LOCATION:
 MORAN PLANT / WATERFRONT NORTH
 CHITTENDEN COUNTY, VERMONT

PURPOSE:
 DEVELOPMENT OF MORAN CENTER AT
 WATERFRONT PARK, BURLINGTON, VT



WETLAND
IMPACTS
SEE SHEET 5

SHORELINE
IMPACTS
SEE SHEET 6

OUTFALL A
SEE SHEET 7

OUTFALL B
SEE SHEET 8

OUTFALL C
SEE SHEET 9

SURVEY NOTES:

EXISTING SITE CONDITIONS SHOWN ON THIS SHEET ARE BASED ON SURVEYS PERFORMED BY VT SURVEY, LAMOREAUX & DICKINSON AND CIVIL ENGINEERING ASSOCIATES. ENGINEERING VENTURES HAS NOT VERIFIED THESE CONDITIONS.

EXISTING CONDITIONS SHOWN ON THIS SHEET BASED ON NGVD29 DATUM.

APPLICANT:	CITY OF BURLINGTON, VT
DATE:	AUGUST, 2011
SHEET	4 OF 9



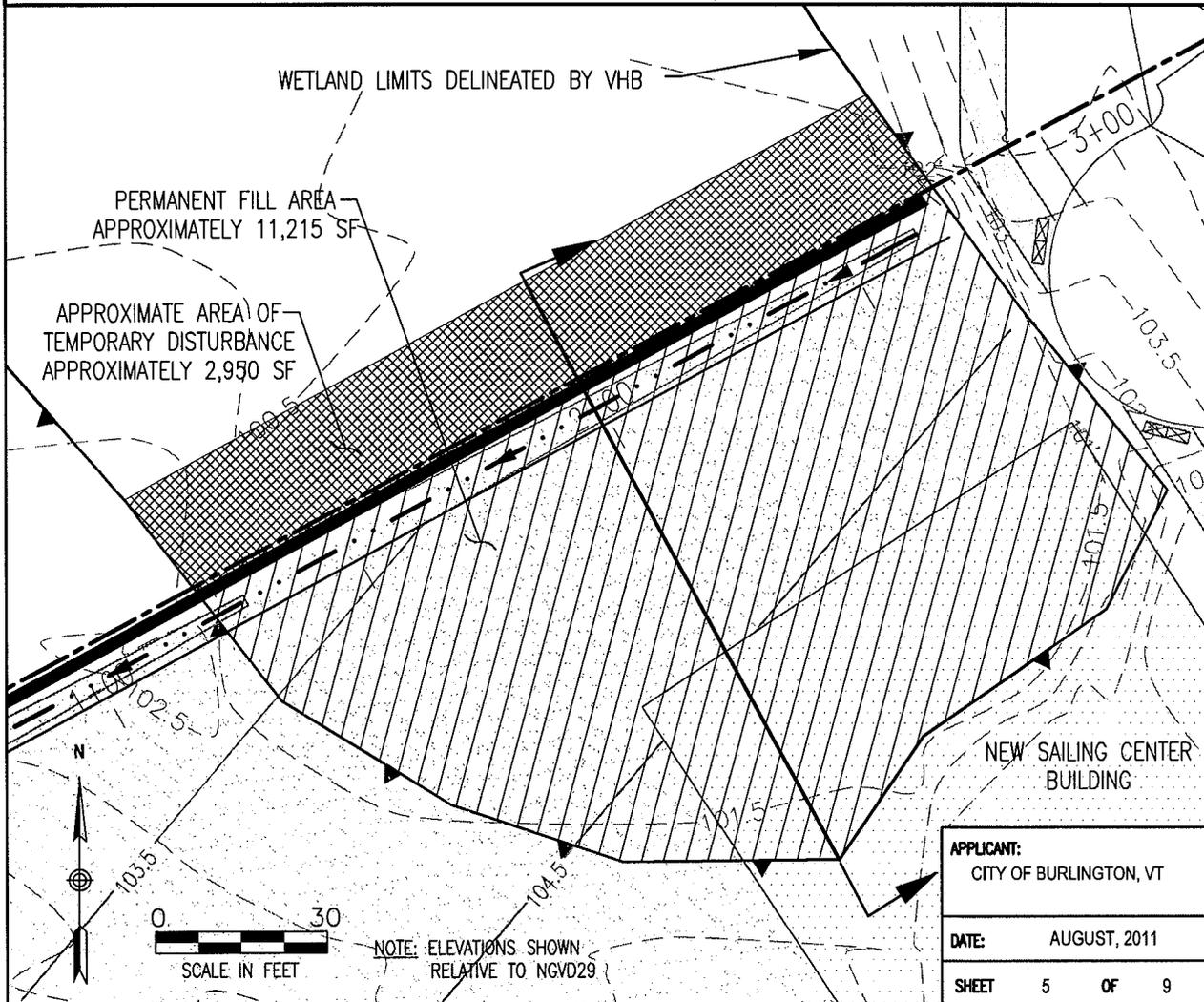
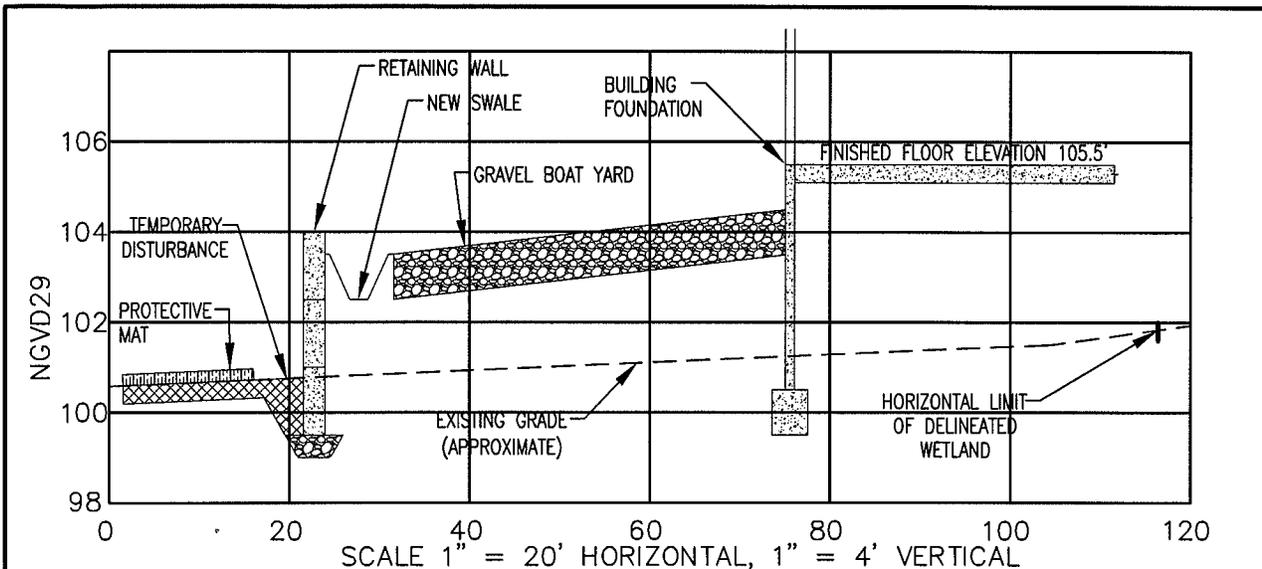
Vanasse Hangen Brustlin, Inc.



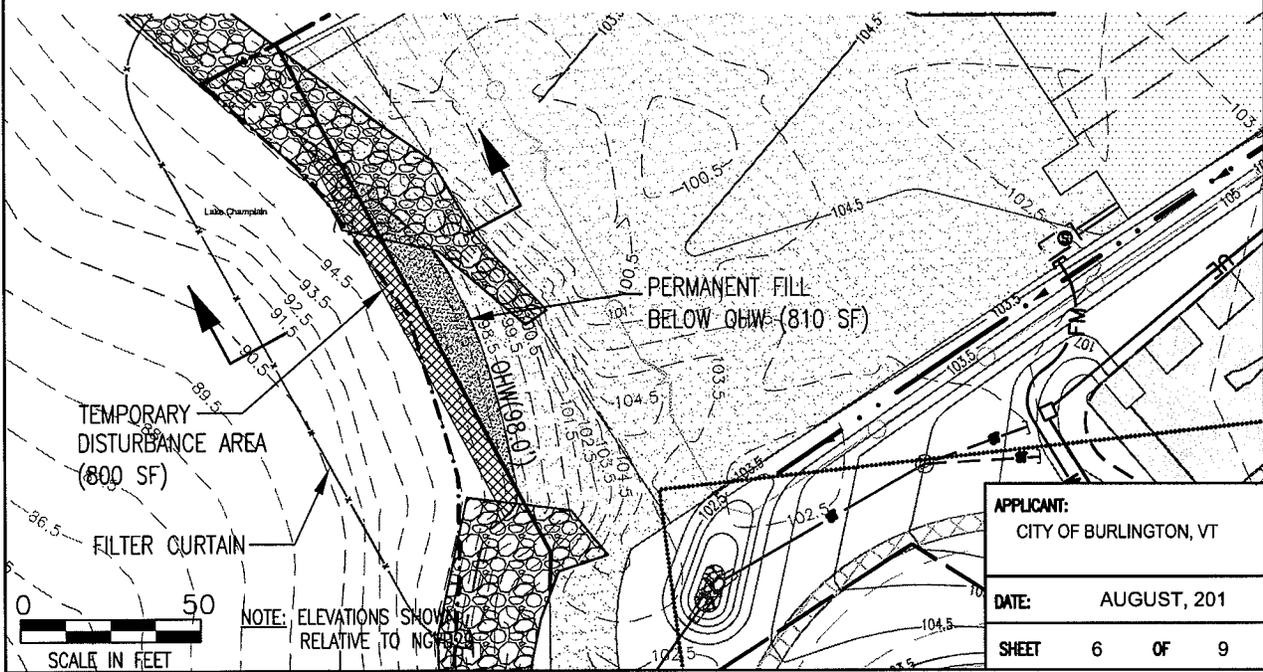
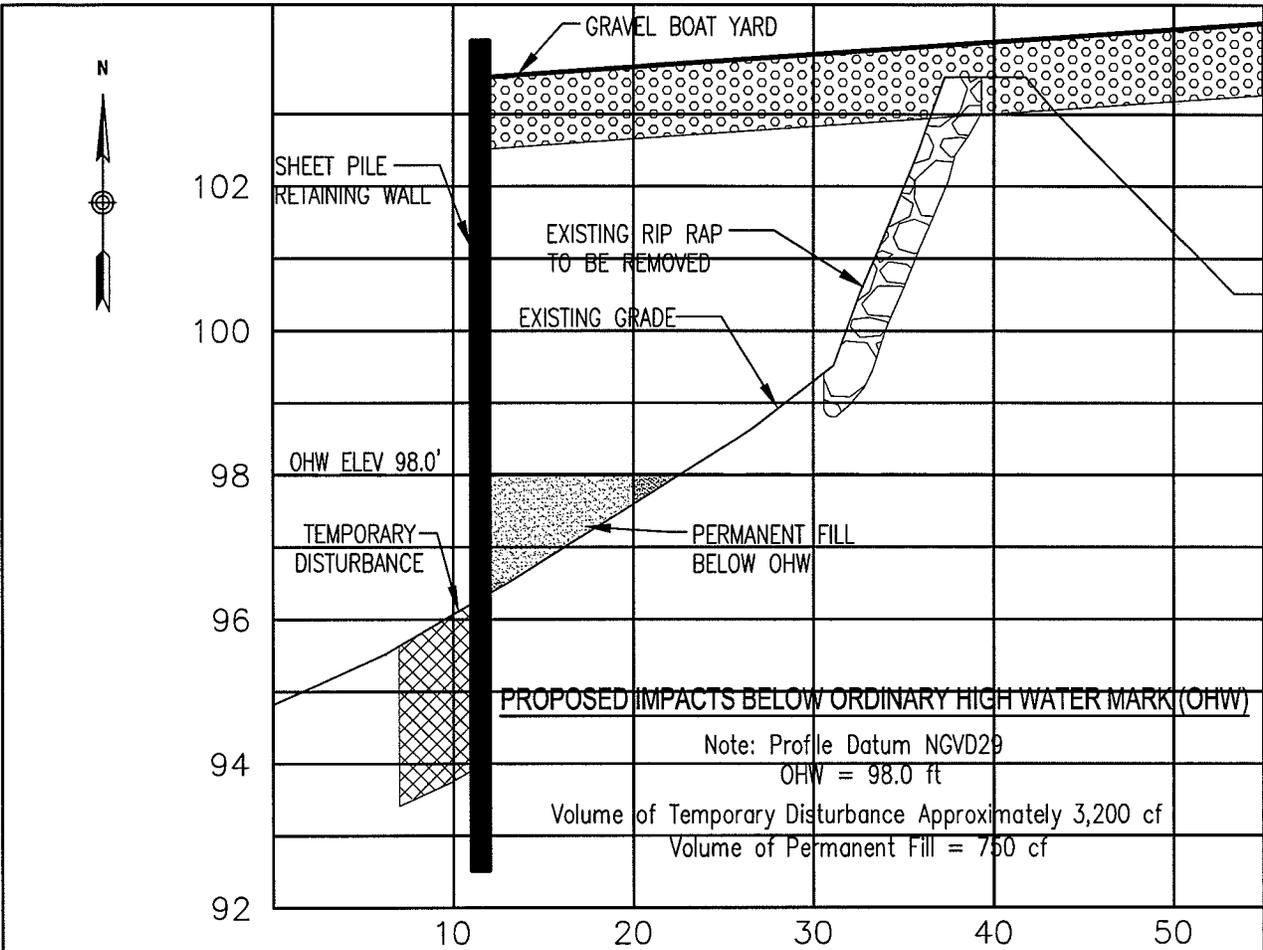

MORAN CENTER AT WATERFRONT PARK
KEY MAP

LOCATION:
MORAN PLANT / WATERFRONT NORTH
CHITTENDEN COUNTY, VERMONT

PURPOSE:
DEVELOPMENT OF MORAN CENTER AT
WATERFRONT PARK, BURLINGTON, VT



 Vanasse Hangen Brustlin, Inc.		MORAN CENTER AT WATERFRONT PARK WETLAND IMPACTS	
	LOCATION: MORAN PLANT / WATERFRONT NORTH CHITTENDEN COUNTY, VERMONT	PURPOSE: DEVELOPMENT OF MORAN CENTER AT WATERFRONT PARK, BURLINGTON, VT	



APPLICANT:	CITY OF BURLINGTON, VT
DATE:	AUGUST, 2011
SHEET	6 OF 9

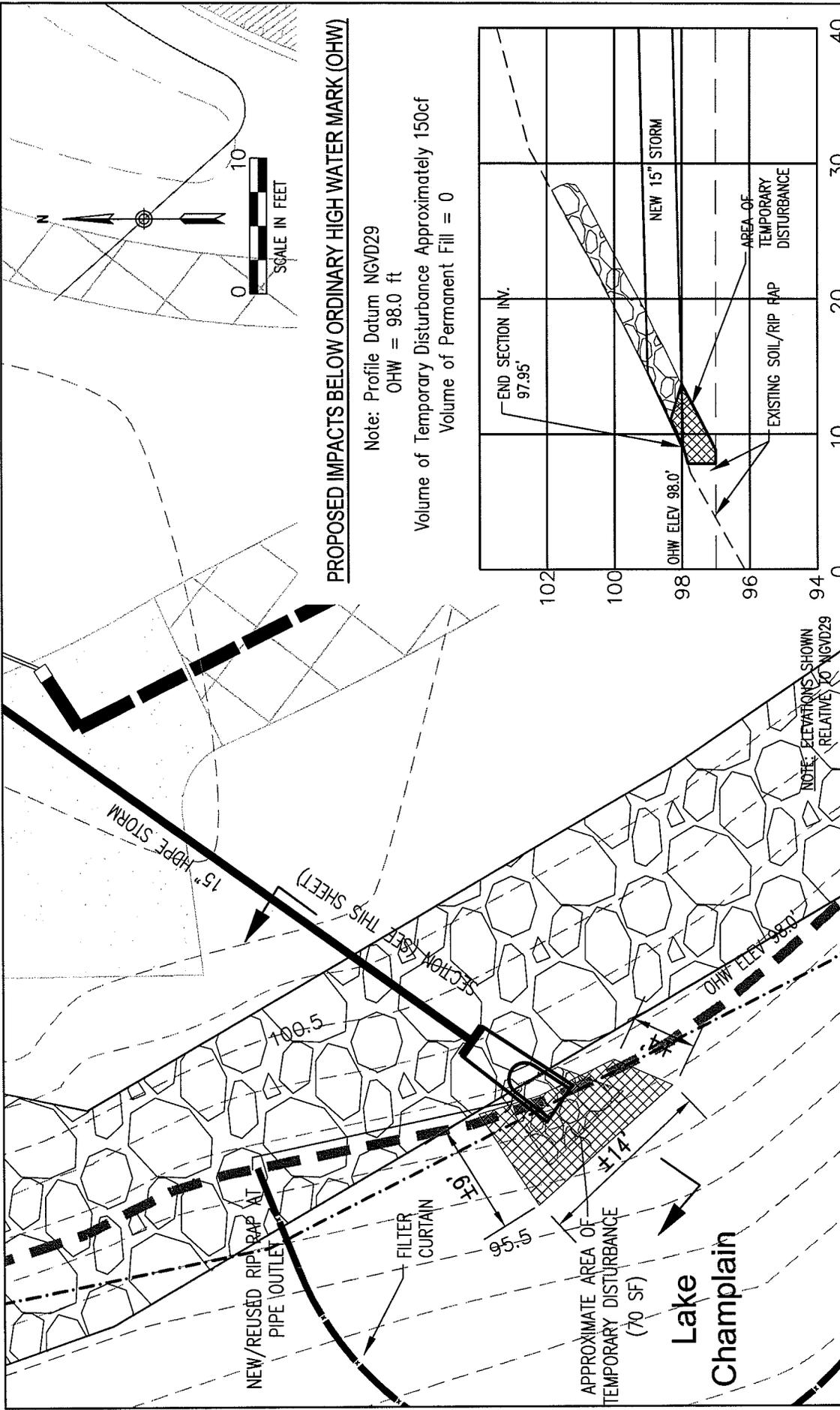
Vanasse Hangen Brustlin, Inc.

ENGINEERING VENTURES INC.



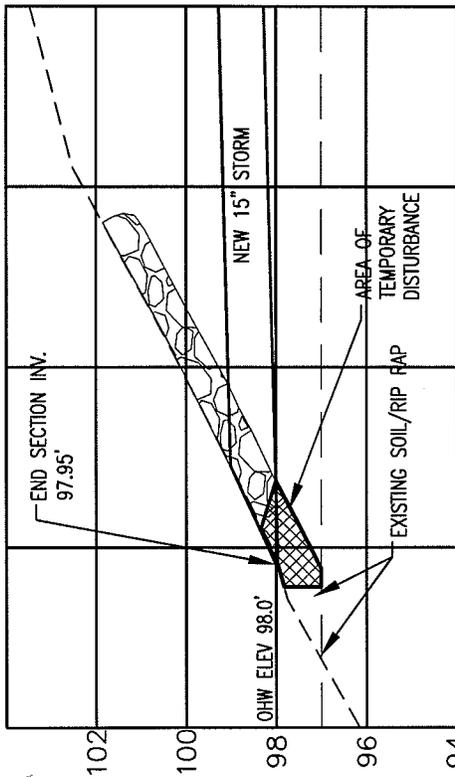
MORAN CENTER AT WATERFRONT PARK SHORELINE IMPACTS

LOCATION: MORAN PLANT / WATERFRONT NORTH CHITTENDEN COUNTY, VERMONT	PURPOSE: DEVELOPMENT OF MORAN CENTER AT WATERFRONT PARK, BURLINGTON, VT
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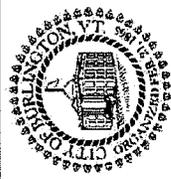


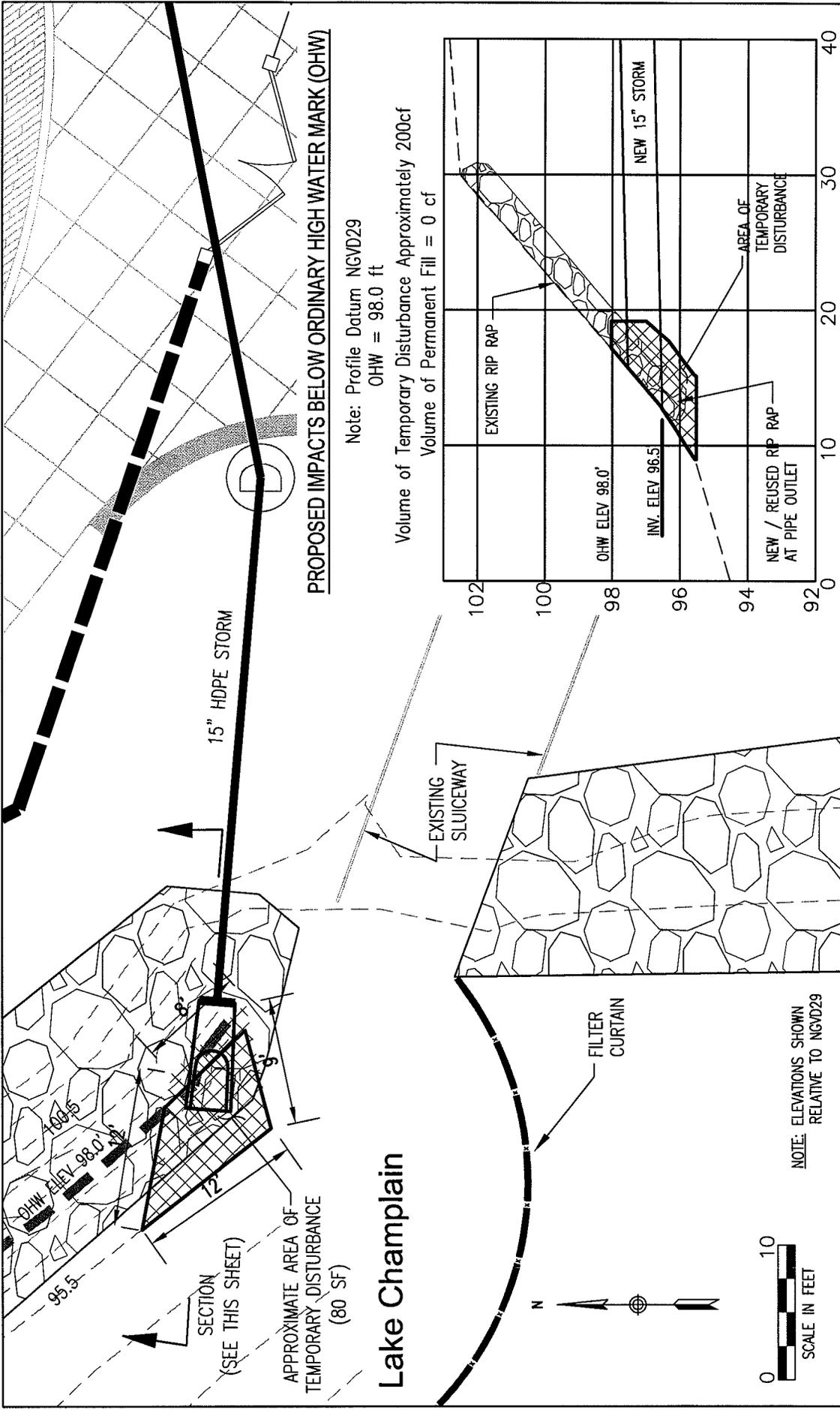
PROPOSED IMPACTS BELOW ORDINARY HIGH WATER MARK (OHW)

Note: Profile Datum NGVD29
 OHW = 98.0 ft
 Volume of Temporary Disturbance Approximately 150cf
 Volume of Permanent Fill = 0

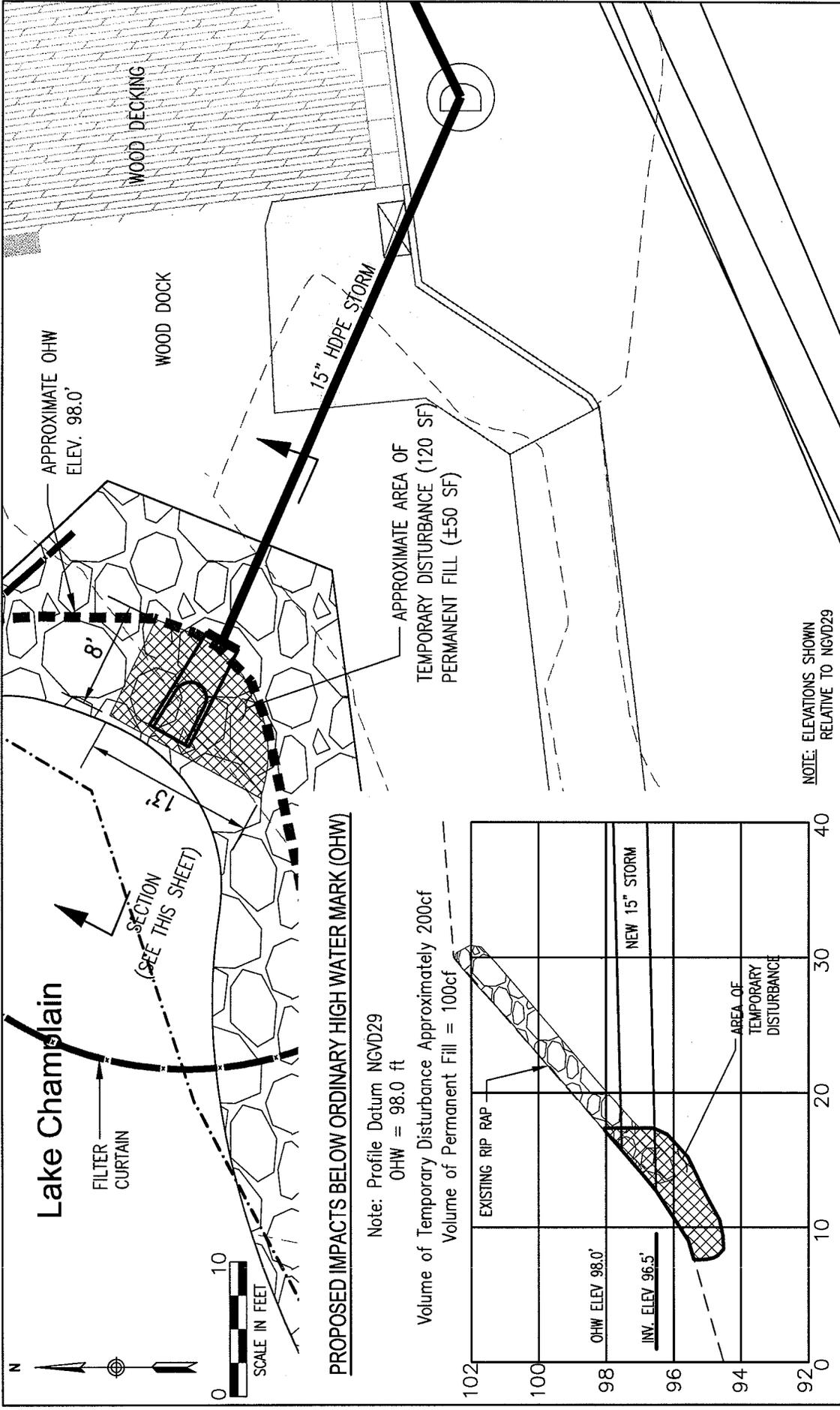


NOTE: ELEVATIONS SHOWN
 RELATIVE TO NGVD29

		MORAN CENTER AT WATERFRONT PARK IMPACT AREA AND CROSS SECTION: OUTFALL A		APPLICANT: CITY OF BURLINGTON, VT
		LOCATION: MORAN PLANT / WATERFRONT NORTH CHITTENDEN COUNTY, VERMONT	PURPOSE: DEVELOPMENT OF MORAN CENTER AT WATERFRONT PARK, BURLINGTON, VT	DATE: AUGUST, 2011 SHEET: 7 OF 9



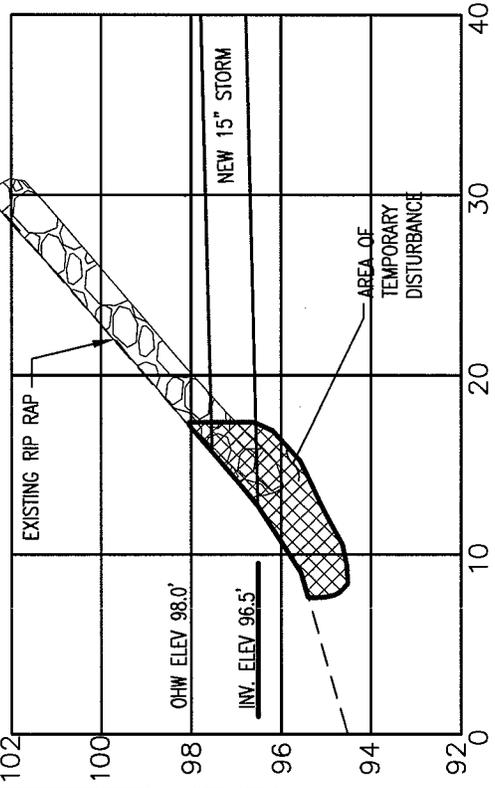
	MORAN CENTER AT WATERFRONT PARK IMPACT AREA AND CROSS SECTION: OUTFALL B		APPLICANT: CITY OF BURLINGTON, VT
	LOCATION: MORAN PLANT / WATERFRONT NORTH CHITTENDEN COUNTY, VERMONT	PURPOSE: DEVELOPMENT OF MORAN CENTER AT WATERFRONT PARK, BURLINGTON, VT	DATE: AUGUST, 2011
			SHEET 8 OF 9



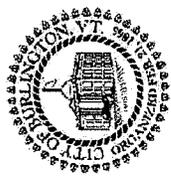
PROPOSED IMPACTS BELOW ORDINARY HIGH WATER MARK (OHW)

Note: Profile Datum NGVD29
OHW = 98.0 ft

Volume of Temporary Disturbance Approximately 200cf
Volume of Permanent Fill = 100cf



NOTE: ELEVATIONS SHOWN
RELATIVE TO NGVD29

 Yonasse Hatigen Brustlin, Inc. 		MORAN CENTER AT WATERFRONT PARK IMPACT AREA AND CROSS SECTION: OUTFALL C		APPLICANT: CITY OF BURLINGTON, VT
		LOCATION: MORAN PLANT / WATERFRONT NORTH CHITTENDEN COUNTY, VERMONT	PURPOSE: DEVELOPMENT OF MORAN CENTER AT WATERFRONT PARK, BURLINGTON, VT	DATE: AUGUST, 2011